

Article - Criminal Procedure

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§6–226.

(a) In this section, “supervisee” means a person that the court places under the supervision of the Division of Parole and Probation.

(b) Unless the supervisee is exempt under subsection (d) of this section, the court shall impose a monthly fee of \$50 on a supervisee.

(c) (1) The fee imposed under this section shall be paid to the Division of Parole and Probation.

(2) The Division of Parole and Probation shall pay the money collected under this section into the General Fund of the State.

(d) The court may exempt a supervisee as a whole or in part from the fee imposed under this section if:

(1) the supervisee has diligently tried but has been unable to obtain employment that provides sufficient income for the supervisee to pay the fee;

(2) (i) the supervisee is a student in a school, college, or university or is enrolled in a course of vocational or technical training designed to prepare the student for gainful employment; and

(ii) certification of student status is supplied to the court by the institution in which the supervisee is enrolled;

(3) the supervisee has a handicap limiting employment, as determined by a physical or psychological examination accepted or ordered by the court;

(4) the supervisee is responsible for the support of dependents and the payment of the fee is an undue hardship on the supervisee; or

(5) other extenuating circumstances exist.

(e) The fee imposed by this section is in addition to court costs and fines.

(f) (1) The court may revoke probation for failure to make the required payment of the fee imposed under this section.

(2) If the supervisee does not comply with the fee requirement, the Division of Parole and Probation shall notify the court.

(3) The court shall hold a hearing to determine if there are sufficient grounds to find the supervisee in violation.

(4) At a hearing under this subsection, the court may consider:

(i) any material change in the supervisee's financial status;

(ii) good faith efforts of the supervisee to pay the fee; and

(iii) alternative means to ensure payment of the fee before the period of supervision ends.

(g) (1) In addition to fees imposed under this section, the Division of Parole and Probation may require a supervisee to pay:

(i) for drug or alcohol abuse testing if the court orders testing; and

(ii) any monthly program fee provided under § 6-115 of the Correctional Services Article.

(2) Failure to make a payment required for drug or alcohol abuse testing may be considered grounds for revocation of probation by the court.

(3) The Division of Parole and Probation may exempt a supervisee as a whole or in part from a payment for testing if the Division determines that any of the criteria in subsection (d) of this section apply.

(h) The Division of Parole and Probation shall:

(1) adopt guidelines for collecting the supervision fee;

(2) adopt guidelines for collecting the cost of drug and alcohol testing;

(3) investigate requests for an exemption from payment, if the court requests an investigation;

(4) keep records of all payments by each supervisee; and

(5) report delinquencies to the court.

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